

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MC ALLEN DIVISION

UNITED STATES OF AMERICA,)	CRIMINAL
)	McAllen, Texas
Plaintiff,)	
)	Wednesday, July 5, 2017
vs.)	(9:10 a.m. to 9:35 a.m.)
)	
MARCO BENAVIDES-ARTEAGA,)	CASE NO: 7:16-CR-0876-7
JOSE ROMAN,)	CASE NO: 7:16-CR-0876-8
OMAR VAZQUEZ-AVENDANO,)	CASE NO: 7:16-CR-0876-11
)	
Defendants.)	

REARRAIGNMENT

BEFORE THE HONORABLE RANDY CRANE,
UNITED STATES DISTRICT JUDGE

Appearances: See Next Page

Interpreter: Elena Medrano

Court Recorder: Citlalic Villegas

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ORIGINAL AND ONE COPY AT THE OFFICIAL RATE.
General Order 94-15, United States District Court,
Southern District of Texas.

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

APPEARANCES FOR:

Plaintiff: PATRICIA COOK PROFIT, ESQ.
Assistant United States Attorney
1701 W. Business Hwy. 83, Suite 600
McAllen, TX 78501

Marco Benavides-Arteaga: GREGORIO R. LOPEZ, ESQ.
Attorney at Law
4417 N. McColl Road
McAllen, TX 78504

Jose Roman: REYNALDO M. MERINO, ESQ.
Attorney at Law
1012 Martin Avenue, Suite B
McAllen, TX 78504

Omar Vazquez-Avendano: GUY L. WOMACK, ESQ.
Attorney at Law
609 Heights Blvd.
Houston, TX 77007

McAllen, Texas; Wednesday, July 5, 2017; 9:10 a.m.

Call to Order

(Official Interpreter Utilized for Translation)

THE COURT: Okay, 16-cr-00876-7, *USA versus Marco Benavides-Arteaga*.

MS. PROFIT: The Government is present and ready, your Honor.

MR. LOPEZ: Greg Lopez, your Honor, for Mr. Marco Benavides-Arteaga. Your Honor, this is going to be a rearraignment to Count One and Count Two.

THE COURT: All right, if you'll step forward. Any objection to my taking his plea with the others?

MR. LOPEZ: No, your Honor.

THE COURT: All right, thank you.

16-cr-00876-8, *USA versus Jose Roman* or Roman, excuse me.

MS. PROFIT: The Government is present and ready, your Honor.

MR. MERINO: Good morning, your Honor, Rey Merino with Mr. Roman. Recently he had signed a plea, but it will be a plea to Count One, Judge.

THE COURT: Count One? All right. Any objection to my taking his plea with the others?

MR. MERINO: No, your Honor.

THE COURT: And, finally, 16-cr-00876-11, *USA versus*

1 Omar Vazquez-Avendano.

2 MS. PROFIT: The Government is present and ready,
3 your Honor.

4 MR. WOMACK: Good morning, your Honor. Guy Womack
5 for Mr. Vazquez-Avendano. That is also a rearraignment to
6 Count One.

7 THE COURT: One as well. And no other pleas,
8 Mr. Pena, Mr. Longoria? Your clients still holding out for a
9 jury of their peers?

10 MR. SPEAKER: Yes, your Honor.

11 THE COURT: All right. So before we begin,
12 gentlemen, I need to have the oath administered to each of you
13 so if I could get all of you to please raise your right hand at
14 this time to be administered the oath?

15 (All Defendants sworn)

16 THE COURT: All right, so you're now under oath.
17 This just means you're required to answer my questions
18 truthfully. If you do not answer all of my questions
19 truthfully then you could be later prosecuted for committing
20 perjury or making a false statement. Do each of you understand
21 this?

22 Mr. Benavides?

23 DEFENDANT BENAVIDES-ARTEAGA: Yes, sir.

24 THE COURT: Mr. Roman, you understand this?

25 DEFENDANT ROMAN: Yes.

1 **THE COURT:** And, Mr. Vazquez, do you understand?

2 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, your Honor.

3 **THE COURT:** All right. So I've been told each of you
4 intends to plead guilty to one of the charges pending against
5 you. Before I can accept your guilty plea I just need to make
6 certain that it's done of your own free will and in accordance
7 with law and that's because when you plead guilty you do give
8 up some important rights.

9 I'm going to explain some of your rights to you here
10 this morning. If, at any point you don't understand something
11 that I ask or say just let me know and I'll be happy to explain
12 myself to you.

13 We're going to begin with you, Mr. Benavides. If you
14 could state your full name, please?

15 **DEFENDANT BENAVIDES-ARTEAGA:** Marco Antonio
16 Benavides-Arteaga.

17 **THE COURT:** And how old are you?

18 **DEFENDANT BENAVIDES-ARTEAGA:** Forty-two -- 43, I'm
19 sorry.

20 **THE COURT:** And how far did you go in school?

21 **DEFENDANT BENAVIDES-ARTEAGA:** (indisc.) like middle
22 school.

23 **THE COURT:** All right. That was in Mexico?

24 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, in Mexico.

25 **THE COURT:** Do you understand some English?

1 **DEFENDANT BENAVIDES-ARTEAGA:** A little.

2 **THE COURT:** Okay. And, generally, are you in good
3 health?

4 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, I am.

5 **THE COURT:** And have you ever been treated for any
6 kind of mental or psychological problems?

7 **DEFENDANT BENAVIDES-ARTEAGA:** No, never, sir.

8 **THE COURT:** In the past 24 hours have you taken any
9 medicine, pills or drugs?

10 **DEFENDANT BENAVIDES-ARTEAGA:** Not in the last 24
11 hours.

12 **THE COURT:** All right. And have you understood my
13 questions and do you feel like you are competent to continue
14 with this hearing?

15 **DEFENDANT BENAVIDES-ARTEAGA:** What's that?

16 **THE COURT:** Have you understood my questions and do
17 you feel like you're competent to continue --

18 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, I didn't
19 understand that.

20 **THE COURT:** All right. Mr. Lopez, any reason to
21 doubt your client's competence?

22 **MR. LOPEZ:** No doubt, your Honor, he's competent.

23 **THE COURT:** All right. Mr. Roman, what is your full
24 name?

25 **DEFENDANT ROMAN:** Jose Roman.

1 **THE COURT:** Roman, Mr. Roman, how old are you?

2 **DEFENDANT ROMAN:** Thirty-three.

3 **THE COURT:** How far did you go in school? What's the
4 highest grade?

5 **DEFENDANT ROMAN:** Eleventh.

6 **THE COURT:** Eleventh. And where did you go to high
7 school? What city?

8 **DEFENDANT ROMAN:** Chicago.

9 **THE COURT:** Chicago. Do you -- can you read and
10 write English?

11 **DEFENDANT ROMAN:** Yes.

12 **THE COURT:** Generally, are you in good health?

13 **DEFENDANT ROMAN:** I have high blood pressure.

14 **THE COURT:** All right. Everything else generally
15 okay?

16 **DEFENDANT ROMAN:** Yes.

17 **THE COURT:** And have you ever been treated for any
18 kind of mental or psychological problems?

19 **DEFENDANT ROMAN:** No.

20 **THE COURT:** In the past 24 hours have you had any
21 medicines, pills or drugs of any kind?

22 **DEFENDANT ROMAN:** Just for high blood pressure.

23 **THE COURT:** All right. Does that medicine in any way
24 confuse you or prevent you from understanding questions?

25 **DEFENDANT ROMAN:** No.

1 **THE COURT:** And do you feel like you've understood
2 everything so far and that you are competent to continue this
3 hearing?

4 **DEFENDANT ROMAN:** Yes.

5 **THE COURT:** All right. Mr. Merino, any reason to
6 doubt his competence?

7 **MR. MERINO:** No reason, Judge, but I would like the
8 Court to know I need to -- for him to sign the plea papers
9 still.

10 **THE COURT:** Okay, sure. Take a moment.

11 **MR. MERINO:** Can I have a moment, Judge?

12 **THE COURT:** Take a moment. I thought that it was
13 already done.

14 **MR. MERINO:** I just went over it now.

15 **THE COURT:** Quickly.

16 All right, so, Mr. Vazquez, what's your full name?

17 **DEFENDANT VAZQUEZ-AVENDANO:** Omar Vazquez-Avendano.

18 **THE COURT:** And how old are you?

19 **DEFENDANT VAZQUEZ-AVENDANO:** Thirty-two.

20 **THE COURT:** How far did you go in school?

21 **DEFENDANT VAZQUEZ-AVENDANO:** High school.

22 **THE COURT:** And that was in Mexico?

23 **DEFENDANT VAZQUEZ-AVENDANO:** In Mexico.

24 **THE COURT:** And you understand some English?

25 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, I do.

1 **THE COURT:** All right. And, generally, are you in
2 good health?

3 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

4 **THE COURT:** Have you ever been treated for any kind
5 of mental or psychological problems?

6 **DEFENDANT VAZQUEZ-AVENDANO:** No.

7 **THE COURT:** In the past 24 hours have you taken any
8 medicine, pills or drugs?

9 **DEFENDANT VAZQUEZ-AVENDANO:** For diabetes.

10 **THE COURT:** All right. And, again, does that
11 medicine confuse you in any way or prevent you from
12 understanding questions?

13 **DEFENDANT VAZQUEZ-AVENDANO:** No.

14 **THE COURT:** And do you feel like you have understood
15 all of my questions so far and that you are competent to
16 proceed?

17 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, sir.

18 **THE COURT:** All right. So let's wait one moment for
19 him to get signed and then we'll continue.

20 **(Pause)**

21 **THE COURT:** Ms. (indisc.) are you going to try this
22 case also, co --

23 **MS. SPEAKER:** I'm going to sit second chair.

24 **THE COURT:** All right. Take some of the witnesses,
25 half of the witnesses? Some? All of them? All right.

1 **(Pause)**

2 **THE COURT:** All right. So you've each -- each of you
3 have been shown a copy of the Indictment, that's just the
4 formal charge against you. And have you had a chance to
5 discuss these charges with your lawyer?

6 Mr. Benavides?

7 **DEFENDANT BENAVIDES-ARTEAGA:** Yes.

8 **THE COURT:** Mr. Roman?

9 **DEFENDANT ROMAN:** Yes.

10 **THE COURT:** And Mr. Vazquez?

11 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, your Honor.

12 **THE COURT:** And do any of you have any questions
13 about the charges that are pending against you that your lawyer
14 could not ask -- could not answer for you?

15 Mr. Benavides?

16 **DEFENDANT BENAVIDES-ARTEAGA:** (Speaks Spanish)

17 **THE COURT:** Uh-huh (yes.) Okay.

18 **DEFENDANT BENAVIDES-ARTEAGA:** (Through interpreter)

19 Well, there was some that now I've had about a -- a charge
20 there, I told my attorney about it because at first I did not
21 agree with it, but it's like he explained to me that even
22 though I had not directly done that or been involved directly
23 it was part of the problem because the people that were with me
24 had done that.

25 **THE COURT:** Okay, so you understand the charge now

1 after he explained it?

2 **DEFENDANT BENAVIDES-ARTEAGA:** I do.

3 **THE COURT:** All right. And do either of you have any
4 questions about the charges against you, Mr. Roman?

5 **DEFENDANT ROMAN:** No.

6 **THE COURT:** Mr. Vazquez?

7 **DEFENDANT VAZQUEZ-AVENDANO:** No.

8 **THE COURT:** Are each of you satisfied with the advice
9 and representation that your lawyer has given to you in this
10 case?

11 Mr. Benavides?

12 **DEFENDANT BENAVIDES-ARTEAGA:** Sorry?

13 **THE COURT:** Are you satisfied with the advice and
14 representation --

15 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, I am, sir,
16 satisfied.

17 **THE COURT:** All right. And Mr. Roman?

18 **DEFENDANT ROMAN:** Yes.

19 **THE COURT:** And Mr. Vazquez?

20 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

21 **THE COURT:** All right. I find that each of you has
22 taken full advantage of your right to assistance of Counsel.

23 I'm now going to ask the lawyer for the Government to
24 read Count One --

25 They're all pleading to Count One, right, Ms. Profit?

1 **MS. PROFIT:** Yes, but Mr. Benavides is also pleading
2 to Count Six.

3 **THE COURT:** All right. So if all of you would please
4 listen now I'm going to have the lawyer for the Government now
5 read Count One of the charges that are against you. When she's
6 finished reading that charge each of you is going to be asked
7 whether you plead guilty or not guilty to it.

8 All right, so, Ms. Profit?

9 **MS. PROFIT:** "In the United States District Court,
10 Southern District of Texas, McAllen Division, the
11 United States of America versus Marco Benavides-
12 Arteaga, Jose Roman, Omar --and Omar Vazquez-Avendano
13 in Criminal Number M-16-0876-S3, the Grand Jury
14 charges:

15 From on or about June 20, '11 to on or about June 16,
16 2016, in the Southern District of Texas and within
17 the jurisdiction of the Court Defendants Marco
18 Benavides-Arteaga, Jose Roman and Omar Vazquez-
19 Avendano did knowingly and intentionally conspire and
20 agree together and with other persons known and
21 unknown to the Grand Jurors to possess with intent to
22 distribute a controlled substance. The controlled
23 substance involved was 5 kilograms or more of a
24 mixture or substance containing a detectable amount
25 of cocaine, a Schedule II controlled substance, in

1 violation of Title 21 United States Code, Sections
2 846, 841(a)(1) and 841(b)(1)(A)."

3 How do you plead to Count One of the Indictment,
4 Marco Benavides-Arteaga, guilty or not guilty?

5 **DEFENDANT BENAVIDES-ARTEAGA:** Guilty.

6 **MS. PROFIT:** How do you plead to Count One of the
7 Indictment, Jose Roman, guilty or not guilty?

8 **DEFENDANT ROMAN:** Guilty.

9 **MS. PROFIT:** How do you plead to Count One of the
10 Indictment, Omar Vazquez-Avendano, guilty or not guilty?

11 **DEFENDANT VAZQUEZ-AVENDANO:** Guilty.

12 **MS. PROFIT:** Proceeding with respect to Count Six of
13 the Indictment:

14 "From on or about November of 2011 until June 20th,
15 2016, in the Southern District of Texas and elsewhere
16 within the jurisdiction of the Court, the Defendants
17 Ismael Lechuga and Marco Benavides-Arteaga did
18 knowingly and intentionally conspire and agree
19 together and with other persons known and unknown to
20 the Grand Jury, to commit offenses against the United
21 States in violation of Title 18 United States Code,
22 Sections 1956, to-wit: To transport, transmit and
23 transfer and attempt to transport, transmit and
24 transfer monetary instruments and funds involving the
25 proceeds of specified unlawful activity, to-wit, the

1 distribution of a controlled substance, an offense
2 punishable under Title 21 of the laws of the United
3 States to a place in the United States from or
4 through a place outside of the United States knowing
5 that the monetary instruments and funds involved in
6 the transportation, transmission and transfer
7 represented the proceeds of some form of unlawful
8 activity, to-wit, the distribution of a controlled
9 substance with them knowing that such transportation,
10 transmission and transfer was designed in whole or in
11 part to just conceal or disguise the Nueces West
12 (phonetic) location, ownership and control of the
13 proceeds as specified unlawful activity in violation
14 of Title 18 United States Code, Sections
15 1956(a)(2)(B)(i) and to transport, transmit and
16 transfer, and attempt to transport, transmit and
17 transfer monetary instruments and funds involving the
18 proceeds of specified unlawful activity, to-wit, the
19 distribution of a controlled substance, an offense
20 punishable under Title 21 of the laws of the United
21 States to a place in the United States from or to a
22 place outside of the United States knowing that the
23 monetary instruments and funds involved and
24 transportation to its mission and transfer
25 represented the proceeds of some form of unlawful

1 activity, to-wit, a distribution of a controlled
2 substance with the intent to promote the carrying on
3 of said specified and unlawful activity in violation
4 of Title 18 United States Code, Sections
5 1956(a)(2)(A) and (H)."

6 How do you plead to Count Six of the Indictment,
7 Mr. Benavides, guilty or not guilty?

8 **DEFENDANT BENAVIDES-ARTEAGA:** Guilty.

9 **THE COURT:** Under the Constitution and laws of this
10 country each of you does have the rights to plead not guilty,
11 and if you plead not guilty then you have the right to a trial
12 before either a jury or a Judge on these charges that are
13 pending against you. Do each of you understand this?

14 Mr. Benavides?

15 **DEFENDANT BENAVIDES-ARTEAGA:** I do.

16 **THE COURT:** Mr. Roman?

17 **DEFENDANT ROMAN:** Yes.

18 **THE COURT:** And Mr. Vazquez?

19 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

20 **THE COURT:** At a trial you would have the right to
21 the assistance of a lawyer whether you could afford one or not.
22 If you could not afford a lawyer then one would be appointed to
23 represent you at all stages of these proceedings against you at
24 no cost to you. Do each of you understand this?

25 Mr. Benavides?

1 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, sir.

2 **THE COURT:** Mr. Roman?

3 **DEFENDANT ROMAN:** Yes.

4 **THE COURT:** And Mr. Vazquez?

5 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

6 **THE COURT:** If you wanted to plead not guilty in
7 order to find you guilty the Government would have to prove at
8 a trial by competent evidence and beyond a reasonable doubt
9 these charges that are pending against you. Do each of you
10 understand this?

11 Mr. Benavides?

12 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, your Honor.

13 **THE COURT:** Mr. Roman?

14 **DEFENDANT ROMAN:** Yes, sir.

15 **THE COURT:** And Mr. Vazquez?

16 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

17 **THE COURT:** At a trial you would be presumed to be
18 innocent, it would not be your burden to have to prove that
19 you're innocent. Do each of you understand this?

20 Mr. Benavides?

21 **DEFENDANT BENAVIDES-ARTEAGA:** I do.

22 **THE COURT:** Mr. Roman?

23 **DEFENDANT ROMAN:** Yes.

24 **THE COURT:** And Mr. Vazquez?

25 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

1 **THE COURT:** In the course of a trial the witnesses
2 for the Government would have to come into the courtroom to
3 testify in front of you and your lawyer. Your lawyer could
4 question any of the Government's witnesses, object to any of
5 their evidence, and then you would have the right to present
6 any evidence in defense of these charges that you might want to
7 present. Do each of you understand this?

8 Mr. Benavides?

9 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, sir.

10 **THE COURT:** Mr. Roman?

11 **DEFENDANT ROMAN:** Yes.

12 **THE COURT:** And Mr. Vazquez?

13 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

14 **THE COURT:** At a trial you would also have the right
15 to take the witness stand and testify in your defense if you
16 desired; however, you cannot be forced to testify or to
17 incriminate yourself, and nobody can hold it against you if you
18 choose not to testify at a trial. Do each of you understand
19 this?

20 Mr. Benavides?

21 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, sir.

22 **THE COURT:** Mr. Roman?

23 **DEFENDANT ROMAN:** Yes.

24 **THE COURT:** And Mr. Vazquez?

25 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, your Honor.

1 **THE COURT:** When you plead guilty, though, you give
2 up this right against testifying or against incriminating
3 yourself because in order for me to be satisfied that you are
4 actually guilty of this crime I need to ask you some questions
5 about these events and you cannot refuse to answer them. Do
6 each of you understand this?

7 Mr. Benavides?

8 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, I understand.

9 **THE COURT:** Mr. Roman?

10 **DEFENDANT ROMAN:** Yes, sir.

11 **THE COURT:** Mr. Vazquez?

12 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, your Honor.

13 **THE COURT:** Also, if I accept your guilty plea then
14 you will be giving up all of these rights that I have just
15 mentioned and discussed with you because there will be no trial
16 in your case. I will simply enter a judgment of guilty and
17 sentence you on the basis of your plea of guilty here this
18 morning. Do each of you understand this, that there will be no
19 trial in your case?

20 Mr. Benavides?

21 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, I do.

22 **THE COURT:** Mr. Roman?

23 **DEFENDANT ROMAN:** Yes.

24 **THE COURT:** And Mr. Vazquez?

25 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, your Honor.

1 **THE COURT:** And in each of your cases do you
2 understand I can -- I could send you to prison for up to life
3 with a minimum sentence of at least 10 years, and in addition I
4 could fine you up to \$10 million.

5 Mr. Benavides, do you understand this?

6 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, sir.

7 **THE COURT:** Mr. Roman?

8 **DEFENDANT ROMAN:** Yes, sir.

9 **THE COURT:** And Mr. Vazquez?

10 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, your Honor.

11 **THE COURT:** And, Mr. Benavides, on the money
12 laundering charge I could send you to prison for up to 20 years
13 and fine you up to twice the amount of the laundered proceeds,
14 do you understand this?

15 **DEFENDANT BENAVIDES-ARTEAGA:** I know, yes.

16 **THE COURT:** In addition to the imprisonment you face
17 and fine I'm also required to impose upon each of you a
18 supervised release term. And this is a term of supervision by
19 the Probation Office that starts as soon as you get out of
20 prison so it is in addition to any imprisonment.

21 And in each of your cases you could actually be
22 supervised by the Probation Office for the rest of your lives.
23 Do each of you understand this?

24 Mr. Benavides?

25 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, sir.

1 **THE COURT:** Mr. Roman?

2 **DEFENDANT ROMAN:** Yes, sir.

3 **THE COURT:** And Mr. Vazquez?

4 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, your Honor.

5 **THE COURT:** I am also required to impose upon you a
6 \$100 special assessment for each felony adjudication.

7 So for Mr. Benavides, for you that would be \$200 in
8 special assessments, do you understand this?

9 **DEFENDANT BENAVIDES-ARTEAGA:** I do, yes.

10 **THE COURT:** And, Mr. Roman, it would be \$100 for you,
11 do you understand this?

12 **DEFENDANT ROMAN:** Yes.

13 **THE COURT:** And, Mr. Vazquez, \$100 for you, as well,
14 do you understand this?

15 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, your Honor.

16 **THE COURT:** And have each of you spoke with your
17 attorney about these Sentencing Commission Guidelines and how
18 these Sentencing Guidelines might apply in your case?

19 Mr. Benavides?

20 **DEFENDANT BENAVIDES-ARTEAGA:** Yes.

21 **THE COURT:** Mr. Roman?

22 **DEFENDANT ROMAN:** Yes.

23 **THE COURT:** Mr. Vazquez?

24 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

25 **THE COURT:** I will not be able to determine exactly

1 which of these sentencing ranges does apply in your case until
2 after the Probation Office has prepared the Presentence Report
3 about you, and you and your lawyer have had an opportunity to
4 review and object to that report. Do each of you understand
5 this?

6 Mr. Benavides?

7 **DEFENDANT BENAVIDES-ARTEAGA:** Yes.

8 **THE COURT:** Mr. Roman?

9 **DEFENDANT ROMAN:** Yes.

10 **THE COURT:** Mr. Vazquez?

11 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

12 **THE COURT:** Once the Probation Office does determine
13 exactly which of these sentencing ranges does apply in your
14 case I may, nevertheless, vary or depart from these Guidelines,
15 and I can sentence you up to the maximum punishment that you
16 face in your case and you would not be able to take back your
17 guilty plea. Do each of you understand this about the advisory
18 nonbinding nature of these Guidelines?

19 Mr. Benavides?

20 **DEFENDANT BENAVIDES-ARTEAGA:** I do.

21 **THE COURT:** Mr. Roman?

22 **DEFENDANT ROMAN:** Yes.

23 **THE COURT:** And Mr. Vazquez?

24 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

25 **THE COURT:** And has anybody guaranteed to you or

1 promised you the sentence that I'm going to give you in your
2 case?

3 Mr. Benavides?

4 **DEFENDANT BENAVIDES-ARTEAGA:** No, sir.

5 **THE COURT:** Mr. Roman?

6 **DEFENDANT ROMAN:** No.

7 **THE COURT:** And Mr. Vazquez?

8 **DEFENDANT VAZQUEZ-AVENDANO:** No, your Honor.

9 **THE COURT:** Has anyone attempted in any way to force
10 you to plead guilty here this morning, or threatened you or
11 told you that if you did not plead guilty some additional
12 charges would be brought against you?

13 Mr. Benavides?

14 **DEFENDANT BENAVIDES-ARTEAGA:** No, sir.

15 **THE COURT:** Mr. Roman?

16 **DEFENDANT ROMAN:** No.

17 **THE COURT:** And Mr. Vazquez?

18 **DEFENDANT VAZQUEZ-AVENDANO:** No, your Honor.

19 **THE COURT:** This offense which each of you have pled
20 guilty is a felony offense and if I accept your guilty plea
21 then you will be adjudged guilty of this felony offense which
22 will have some additional consequences to you because you'll
23 lose certain rights you may have had in this country like the
24 right to possess a firearm or ammunition, the right to serve on
25 juries, the right to vote. And if you're not a citizen of the

1 United States then whatever status you might have had to live
2 here that will be revoked and you will be deported back to your
3 home countries and excluded from returning. Do each of you
4 understand these additional consequences?

5 Mr. Benavides?

6 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, I do, sir.

7 **THE COURT:** Mr. Roman?

8 **DEFENDANT ROMAN:** Yes.

9 **THE COURT:** And Mr. Vazquez?

10 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

11 **THE COURT:** All right. And are there Plea Agreements
12 in all three cases? If so, could you please describe them?

13 **MS. PROFIT:** Yes, your Honor, there are Plea
14 Agreements in all three cases.

15 The Defendant agrees to plead guilty to a count in
16 the Indictment or in the case of Mr. Benavides to two Counts of
17 the Indictment.

18 Defendants stipulate and agrees that the property
19 listed in the Third Superseding Indictment's Notice of
20 Forfeiture is subject to forfeiture and the Defendant agrees to
21 the full return of that property.

22 Defendant agrees to waive any and all interest in any
23 asset which is the subject of or related administrative or
24 judicial forfeiture procedure -- proceedings whether criminal
25 or civil, Federal or State.

1 And the Government will recommend that the Offense
2 Level decrease by two levels pursuant to the United States
3 Sentencing Guideline 3E1.1A if the Defendant clearly
4 demonstrates responsibility.

5 And the Government would also agree that any
6 remaining Counts of the Indictment would be dismissed at the
7 time of sentencing.

8 **THE COURT:** So each of you has heard the Government
9 describe for me the Plea Agreement in your case. Is this your
10 understanding of the agreement you reached with the Government?

11 Mr. Benavides?

12 **DEFENDANT BENAVIDES-ARTEAGA:** Yes.

13 **THE COURT:** Mr. Roman?

14 **DEFENDANT ROMAN:** Yes.

15 **THE COURT:** And Mr. Vazquez?

16 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, your Honor.

17 **THE COURT:** Did each of you have an opportunity to
18 review and discuss it with your lawyer and have it explained to
19 you in Spanish, if necessary, before you signed it?

20 Mr. Benavides?

21 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, he just explained
22 that to me.

23 **THE COURT:** Mr. Roman?

24 **DEFENDANT ROMAN:** Yes.

25 **THE COURT:** And Mr. Vazquez?

1 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

2 **THE COURT:** Your Plea Agreements with the Government
3 are all nonbinding Plea Agreements and what that means is that
4 they're not actually binding on the Court and I'm not required
5 to follow these agreements. And you will have no right to take
6 back your guilty plea if I do not follow the agreements, even
7 if it results in a sentence that is less favorable to you than
8 what was contemplated by the Plea Agreement. Do each of you
9 understand this about the nonbinding nature of your Plea
10 Agreements?

11 Mr. Benavides?

12 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, I do.

13 **THE COURT:** Mr. Roman?

14 **DEFENDANT ROMAN:** Yes.

15 **THE COURT:** And Mr. Vazquez?

16 **DEFENDANT VAZQUEZ-AVENDANO:** Yes, your Honor.

17 **THE COURT:** All right. Knowing all of these rights
18 that I have discussed with each of you here this morning would
19 any of you at this time like to change your mind and take back
20 your guilty plea which I would allow?

21 Mr. Benavides?

22 **DEFENDANT BENAVIDES-ARTEAGA:** No, sir.

23 **THE COURT:** Mr. Roman?

24 **DEFENDANT ROMAN:** No.

25 **THE COURT:** Mr. Vazquez?

1 **DEFENDANT VAZQUEZ-AVENDANO:** No, your Honor.

2 **THE COURT:** All right. Then I'm going to now ask the
3 lawyer for the Government to describe for me the facts in your
4 cases that the Government was prepared to prove if you had
5 proceeded forward to a trial. It's important that you listen
6 carefully because when she's finished describing all of these
7 events about you I'm going to ask you if what she said was all
8 correct. All right, so Ms. Profit?

9 **MS. PROFIT:** "With respect to Count One, the cocaine
10 conspiracy Defendant Marco Benavides-Arteaga, Jose
11 Roman and Omar Vazquez-Avendano entered into an
12 agreement to possess with intent to distribute over 5
13 kilograms of cocaine.

14 In furtherance of this agreement during the timeframe
15 of this conspiracy kilograms of cocaine would be
16 transported from Mexico to the Southern District of
17 Texas to Defendant Omar Vazquez-Avendano, also known
18 as El Toro in Chicago, Illinois and to Marco
19 Benavides-Arteaga in Columbus, Ohio.

20 On November 19th, 2015 Marco Benavides with Ismael
21 Lechuga coordinated the delivery of approximately 13
22 kilograms of cocaine to Garcia which was seized by
23 law enforcement.

24 In furtherance of this agreement Omar Vazquez-
25 Avendano in Chicago, Illinois would coordinate the

1 delivery of cocaine from South Texas with Jose Roman
2 and Rodrigo Roman.

3 In March of 2016 Omar Vazquez coordinated the
4 delivery of cocaine using PPM text messages with
5 Ismael Lechuga and passed the number belonging to
6 Prieto (phonetic). Through GPS pings, HSI agents in
7 Chicago identified Jose Roman as holding the phone
8 belonging to Prieto.

9 On March 5th, 2016 Jose Ramon picked up approximately
10 6 kilograms of cocaine. This cocaine was seized by
11 law enforcement along with an additional 4 kilograms
12 of cocaine at the home of Rodrigo Roman.

13 In furtherance of this agreement in June of 2016
14 Ismael Lechuga arranged for the transportation of
15 approximately 120 kilograms of cocaine from South
16 Texas to DeKalb, Illinois in two tractor trailers. A
17 portion of this cocaine was destined for Omar
18 Vazquez-Avendano in Chicago. A hundred and 20
19 kilograms of cocaine was seized by law enforcement."

20 **THE COURT:** All right, so the three of you have heard
21 the Government describe the facts in your case. Were the facts
22 stated by the United States Attorney all true and correct?

23 Mr. Benavides?

24 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, sir.

25 **THE COURT:** And, Mr. Roman, were these correct?

1 **DEFENDANT ROMAN:** Yes.

2 **THE COURT:** And, Mr. Vazquez, were these correct?

3 **DEFENDANT VAZQUEZ-AVENDANO:** Yes.

4 **THE COURT:** All right. And so, Mr. Benavides, the
5 Government is now going to describe some additional facts
6 pertaining to the money laundering charge.

7 **MS. PROFIT:** "Ismael Lechuga and Marco Benavides-
8 Arteaga entered into a conspiracy to transport money
9 derived from drug trafficking from a place in the
10 United States to a place outside the United States;
11 that is, Mexico in order to promote drug trafficking.
12 Lechuga and Benavides also then transported the drug
13 trafficking funds from Mexico back into the United
14 States in order to -- in order to use the criminally-
15 derived property to purchase real property, cars and
16 luxury items to support their lifestyles in the
17 United States. The money was transported back into
18 the United States in (indisc.) names in order to
19 disguise the true source and nature of the funds.
20 In furtherance of this conspiracy in November and
21 December of 2015 Ismael Lechuga and Marco Benavides
22 were involved in transporting cocaine to Columbus,
23 Ohio for sale and returning the drug proceeds to
24 McAllen, Texas for later transportation into Mexico.
25 According to intercepts Lechuga and Benavides had

1 approximately \$570,000 in drug proceeds in Columbus,
2 Ohio that they were arranging to transport to the
3 Southern District of Texas and from there to Mexico.
4 However, Federal search warrants were executed in
5 Columbus, Ohio and \$761,421 was seized. A
6 cooperating individual later indicated that \$571,000
7 of that money was destined to be transported to
8 McAllen, Texas and that the source of the funds was
9 cocaine that he had received from Marco Benavides.
10 According to cooperating -- according to a
11 cooperating individual Marco Benavides would provide
12 him with cocaine and he would arrange to have the
13 proceeds shipped back to Marco Benavides in McAllen,
14 Texas where it would be transported to Texas (sic).
15 According to this individual they used female family
16 members of the big boss to transport the money back
17 to Texas.

18 On October 21st, 2015 \$301,092 was seized from Maria
19 DeJesus-Carino (phonetic) in Houston, Texas.

20 On November 4th, 2015 Maria Hernandez-Lechuga Carino
21 was stopped at the bus station in Dallas, Texas with
22 \$294,640 in her luggage. This money was drug
23 proceeds.

24 On June 14th, 2016 \$400,000 was seized from a tractor
25 trailer in Illinois along with 120 kilograms of

1 cocaine and Lechuga had arranged for a shipment of
2 the cocaine to Omar Vazquez along with the return to
3 the McAllen area for further transport to Mexico of
4 the \$400,000."

5 **THE COURT:** Mr. Benavides, were these facts stated by
6 the US Attorney all true and correct?

7 **DEFENDANT BENAVIDES-ARTEAGA:** Yes, it is true.

8 **THE COURT:** All right. It is the finding of the
9 Court in each of these cases that each of these Defendants is
10 competent and capable of entering an informed pleas; each of
11 them understands the nature of the charge against them and the
12 consequences of their guilty pleas and their maximum punishment
13 that they face; that each of these pleas of guilty are knowing
14 and voluntary pleas supported by the facts that contain the
15 elements of the offense.

16 I, therefore, accept each of these guilty pleas and
17 each of these Defendants is adjudged guilty of the offense.

18 The next step now in this process for the three of
19 you is that a Probation Officer will be assigned to each of
20 your cases and this Probation Officer is the one who prepares
21 your Presentence Report and this the report that I will rely
22 upon, in part, to determine your sentence.

23 So this Probation Officer should interview each of
24 you within the next two weeks to begin collecting information
25 they need. When they complete their investigation they'll type

1 up the report and then a copy is given to your lawyer who is
2 required to review it with you to make sure that it's all
3 correct.

4 You will then come back here for your sentencing
5 hearings, and when you do you'll each have a chance to speak so
6 if there's something that you want me to consider you'll have a
7 chance to bring it to my attention.

8 I'm ordering in your three cases that your
9 Presentence Reports be prepared by August 10th.

10 Any objections within two weeks.

11 And then the three of you are scheduled to be back
12 here for sentencing on Thursday, the 14th of September at 9:00
13 a.m., the 14th of September at 9:00 a.m.

14 All right, there being nothing further you are all
15 excused at this time. Thank you everybody.

16 **(This proceeding was adjourned at 9:35 a.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in cursive script, appearing to read "Toni Hudson", positioned above a horizontal line.

December 5, 2017

TONI HUDSON, TRANSCRIBER